

# Notice of Allowability

Application No.

10/824,605

Examiner

Simon Vainberg

Applicant(s)

KUWAYAMA ET AL.

Art Unit

1709

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed 07/30/2007.
2. ☒ The allowed claim(s) is/are 1-3 and 6-11.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All b) ☐ Some\* c) ☐ None of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date 07/30/2007
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### REASONS FOR ALLOWANCE

1. The following is an examiner's statement of reasons for allowance:

Claims 1-3 and 6-11 are allowed.

1. The following is an examiner's statement of reasons for allowance:

With respect to claim 1 the prior art record does not disclose egg freezing and storing instrument comprising a metal cylindrical protection member for protecting egg freezing and storing tube, wherein said cylindrical protection member has a tubular part for accommodating said front side of said small-diameter part of said egg freezing and storing tube; and a semi-tubular part for accommodating a portion of said small-diameter part of said egg freezing and storing tube not accommodated in said tubular part and a front portion of said body part.

With respect to claim 6 the prior art record does not disclose a metal cylindrical protection member mounted on said egg freezing and storing tube, for protecting said egg freezing and storing tube, wherein said cylindrical protection member has a tubular part for accommodating said front side of side small-diameter part of said egg freezing and storing tube; a semi-tubular part, disposed at a rear end of the tubular part, for accommodating a portion of said small-diameter part of said egg freezing and storing tube not accommodated in said tubular part and a front portion of said body part; and a holding part, disposed at a rear end of said semi-tubular part, for holding said body part of said egg freezing and storing tube, said cylindrical protection member is slidable to a rear side of said egg freezing and storing tube to allow said small-diameter part to be exposed to the outside from a front end of said cylindrical protection member; and

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said egg freezing and storing tube has a slip-off prevention part, for preventing said cylindrical protection member from slipping off front said egg freezing and storing tube, formed on said body part thereof or in the vicinity of a boundary between said body part thereof and said small-diameter part thereof.

With respect to claims 10 and 11, the prior art record does not disclose a metal cylindrical protection member being slidable to a rear side of said egg freezing and storing tube to allow said small-diameter part to be exposed to the outside from a front end of said cylindrical protection member, and said egg freezing and storing tube has a slip-off prevention part for preventing said cylindrical protection member from slipping off from said egg freezing and storing tube. The prior art also does not suggest exposing said small-diameter part of said egg freezing and storing tube to the outside by sliding said cylindrical protection member to a rear side of said egg freezing and storing tube; accommodating said small-diameter part of said egg freezing and storing tube in said cylindrical protection member by sliding said cylindrical protection member to a front side of said egg freezing and storing tube after said one side of said egg freezing and storing tube is sealed or both said one side of said egg freezing and storing tube and a portion of said body part are sealed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Simon Vainberg whose telephone number is 571-270-3150. The examiner can normally be reached on Monday-Thursday from 7:30 – 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Walter Griffin can be reached on 571-272-1447. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SV  
08-15-2007

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